

### **REMARKS**

Claims 1-22 and 25-31 were previously pending in this application. By this amendment, Applicants are canceling claim 27 without prejudice or disclaimer. Claim 28 has been amended to incorporate the subject matter of claim 27. Claims 29-31 have been amended to depend from claim 28. As a result, claims 1-22, 25, 26 and 28-31 are pending for examination with claims 1, 15 and 28 being independent claims. No new matter has been added.

Applicants request that the Information Disclosure Statement and PTO-1449 form received by the Patent and Trademark Office on April 13, 2001 be considered by the Examiner and that a copy of the signed PTO-1449 form be returned to the Applicants.

#### **Interview**

Applicants thank the Examiner for the courtesies extended to Kristin D. Wheeler during a telephonic interview on September 7, 2004. The Henderson references and claim 27 were discussed during the interview. Ms. Wheeler explained the differences between the Henderson references and independent claim 27. After reviewing the references, the Examiner referred Ms. Wheeler to the section of the Henderson reference entitled, "Updating Lockout Lists" (col. 20, line 65 – col.21, line 17), as teaching that the update data is sent to the lock each time the key attempts to access the lock. In October, Ms. Wheeler again spoke with the Examiner and pointed out that Applicants believe that the "Updating Lockout Lists" section should be read in conjunction with the portion of the specification describing the program function (col 17, line 29 – col. 18, line 12), which requires the user to select the PROGRAM function before any update or sending of information. The Examiner maintained that these sections are two separate embodiments that do not need to be read in conjunction with one another. No agreement was reached.

#### **Allowable Subject Matter**

Applicants acknowledge the Examiner's allowance of claims 1-22, 25 and 26.

The Examiner also indicated that claim 28 would be allowable if rewritten in independent form including all of the limitations of its base claim. In response, Applicants have amended claim 28 to incorporate the subject matter of claim 27. Applicants respectfully submit that claim 28 is now in condition for allowance.

Rejections Under 35 U.S.C. §103

Claims 27 and 29-31 have been rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Pat. Nos. 4,766,746 and 5,602,536 to Henderson.

Without conceding that the Examiner's rejection was correct but in order to expedite prosecution, Applicants have cancelled claim 27 and amended claims 29-31 to depend from newly rewritten independent claim 28. Claims 29-31 are believed to be patentable for at least the same reasons as claim 28.

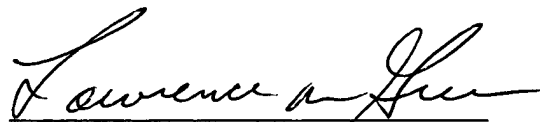
CONCLUSION

In view of the foregoing amendments, all of the remaining claims have been allowed or have been indicated to be allowable. Accordingly, this application is in condition for allowance. Applicants request entry of this amendment pursuant to 37 C.F.R. § 1.116 and § 914.13 of the MPEP and issuance of a notice of allowance. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the undersigned at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,  
*Thomas et al., Applicants*

By:



Lawrence M. Green, Reg. No. 29,384  
WOLF, GREENFIELD & SACKS, P.C.  
600 Atlantic Avenue  
Boston, Massachusetts 02210-2206  
Telephone: (617) 646-8000

Docket No.: B1039.70001US00  
Date: November 29, 2004  
**x11/30/04**